

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RENEE MENDOZA-LOPEZ,

Defendant.

4:13CR3097

MEMORANDUM AND ORDER

The defendant was released so he could pursue avenues for release with the immigration court. That court has now decided not to release the defendant, and if he stays in immigration custody, he may be deported with this case is still pending.

After affording the defendant an opportunity for an additional detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), the court concludes the defendant must be detained pending trial. The court finds by clear and convincing evidence that defendant's release would pose a serious risk of defendant's nonappearance at court proceedings, and no condition or combination of conditions of release will sufficiently ameliorate that risk. The defendant is not a United States citizen, is subject to an ICE detainer, and faces deportation. The defendant agrees to be detained by this court.

Accordingly, .

IT IS ORDERED:

- 1) The government's motion, (filing no. 22), is hereby granted.,
- 2) The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

September 26, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge